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Everett Municipal Court

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RULE NO. 9  
CONDITIONS OF SUSPENDED AND DEFERRED SENTENCES ON CRIMINAL AND TRAFFIC MATTERS

(1) The following provisions are applicable to all suspended and deferred sentences and to deferments of a finding of guilty given in traffic and criminal cases.

a. General Conditions: During the period of probation or suspension the defendant shall not be convicted, be awaiting sentencing or be under a deferred sentence or finding of guilty, with respect to any offense or claimed offense occurring after the date on which probation in this Court was granted. Further, any conduct reflecting moral turpitude or recklessness with respect to the operation of a motor vehicle will be considered a violation whether or not any charges are filed or carried to judgment.

b. Specific Conditions: The defendant must comply with the conditions specifically imposed by the Court and any conditions imposed by the Probation Department. Defendants generally must report to Probation within 7 days of sentencing, but must report directly after Court or release from jail if ordered to do so. If the defendant is placed on supervised Probation he/she must make an appointment to meet with a Probation Officer and attend that appointment.

(2) Probation-Related Hearings in Everett Municipal Court include, but are not limited to, the following:

a. DUI Review - DUI review hearings are initially set for approximately 4 months post sentence. All DUI and Physical Control charges, whether or not there was an amendment to the charge during the course of the proceedings, are set for a DUI Review hearing unless otherwise ordered by a judge.

b. DV Review - DV review hearings are initially set for approximately 4 months post sentence. All DV charges, whether or not there was an amendment to the charge during the course of the proceedings, are set for a DV review hearing unless otherwise ordered by a judge.

c. Probation Revocation Hearing - Probation Revocation hearings are scheduled when there is an alleged violation of a probation or suspension condition and the defendant does not admit the violation(s). Those hearings are out of custody only. The City Prosecutor's office presents the evidence for proving the violation(s).

d. Failure to Comply / Bench Warrant Hearings - When a defendant has been ordered to appear for a probation-related hearing and fails to appear, resulting in a bench warrant, he/she may request that his/her matter be noted onto a Failure to Comply-Bench Warrant calendar at any time prior to the service of the warrant.

e. Motions to Revoke Suspended Jail and/or Fine - The Everett City Prosecutor's Office may file a motion to revoke suspended sentence.

i. If the motion is based on an active, pending case, the motion is generally noted onto the next calendar for the pending case, for which City witnesses should already be in attendance. The court will not summons the defendant for the motion hearing under these circumstances. If the defendant fails to appear for the hearing, a warrant may be issued in the active, pending case and the motion to revoke stricken. If the defendant does appear, the judge will preside over the hearing on the motion to revoke unless a continuance or resetting is necessitated by court congestion.

ii. If the motion to revoke is based on a case that is not an active, pending case, e.g. an allegation that has not resulted in a criminal charge, the motion is noted onto a motion calendar. The court will summon the defendant for the motion hearing under these circumstances. If the defendant fails to appear, a warrant may issue. If the defendant does appear, any required evidentiary hearing will be scheduled for a later date and time unless agreed to by the parties and approved by the judge.

f. Show Cause Hearings - Judges may order show cause hearings for any alleged violation of a condition of probation or suspension. The hearings may be set on a regular show cause calendar or may be set on any other court calendar, or may be specially set. The court will summons the defendant for show cause hearing unless the defendant has previously been given written notice of the hearing.

g. Pretrial Reviews -

i. Court Monitored Deferrals (CMD) are set for at least one review hearing following entry, generally within 4 months.

ii. Prosecutor Offer of Diversion (POD) cases are set for at least one review hearing following entry, generally at the conclusion of the agreed-upon diversion period.

iii. Any other pretrial review hearing may be scheduled as necessary and as approved by a judge.

(3) Further Information: The defendant should contact the probation office as often as may be necessary to understand the conditions of the deferral suspension or probation, particularly the condition that are specific to the defendant's case. The defendant must at all times advise the Court of his/her current address and stay current with all fines and costs owing.

(Adopted effective September 1, 2015)

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